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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/763,726	01/23/2004	Michael Majchrzak	032016-0128	7340	
26371	7590 10/19/2006		EXAMINER		
FOLEY & LARDNER LLP			PELHAM, JOSEPH MOORE		
	ISCONSIN AVENUE EE, WI 53202-5306		ART UNIT PAPER NUMBER		
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			DATE MAILED: 10/19/200	DATE MAILED: 10/19/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)	
	10/763,726	MAJCHRZAK ET A	AL.
Office Action Summary	Examiner	Art Unit	
	Joseph M. Pelham	3742	
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with	the correspondence ad	dress
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period w Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICA 66(a). In no event, however, may a reply rill apply and will expire SIX (6) MONTH: cause the application to become ABAN	TION. be timely filed from the mailing date of this co DONED (35 U.S.C. § 133).	
Status			
Responsive to communication(s) filed on 11 Au This action is FINAL. 2b) ☑ This Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. nce except for formal matters	•	merits is
Disposition of Claims		•	
4) ☐ Claim(s) 19-22,24,26,28,29,42,43,49,50,60,62, 4a) Of the above claim(s) is/are withdray 5) ☐ Claim(s) 19-22,24,26,28,29,42,43,49,50,69,70 6) ☐ Claim(s) 60 and 63 is/are rejected. 7) ☐ Claim(s) 62 and 65 is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or	vn from consideration. and 72 is/are allowed.	ending in the application	in.
Application Papers		-	•
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) access applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examine 10.	epted or b) objected to by drawing(s) be held in abeyance ion is required if the drawing(s)	. See 37 CFR 1.85(a). is objected to. See 37 CF	
Priority under 35 U.S.C. § 119			·
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in App ity documents have been re i (PCT Rule 17.2(a)).	lication No ceived in this National	Stage
Attachment(s)			
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 8/11/06.		Mail Date rmal Patent Application	

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The Examiner acknowledges Applicant's submission of the amendment filed 8/11/06. Claims 19-22, 24, 26, 28, 29, 42, 43, 49, 50, 60, 62, 63, 65, 69, 70, and 72 are now pending.

The Examiner notes with chagrin that further review of the claims has determined that certain of the claims previously indicated to be allowable are in fact anticipated or obvious over the prior art. He sincerely regrets any inconvenience.

Claim Rejections - 35 USC § 102

Claim 60 is rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. 6114659 or US Pat. 4038968.

Referring to Fig. 2 and col. 3, lines 19-46; US'659 discloses a food warming container comprising a duct system (30) circulating air in a single loop (90, 95, 98) across the opening to form an air curtain (90), so that air travels from the curtain through the container and adjacent the food item therein, and is received by an opening 26 in the duct system.

Referring to Figs. 1 & 2 and col. 2, lines 21-37, US'968 discloses a food warming container comprising a duct system (5) circulating air in a single loop across the opening to form an air curtain, and the air stream necessarily travels from the curtain through the container and adjacent the food item therein, and is received by an opening 10 in the duct system.

Claim Rejections - 35 USC § 103

Claim 63 is rejected under 35 U.S.C. 103(a) as being obvious over US'659 or US'968 in view of US Pat. 5532456.

The claim differs from US'659 or US'968 only in calling for humidified container. US'456 discloses a humidified food container. It would have been obvious to adapt humidification means to the container of US'659 or US'9687 to prolong the storage time of the foods placed therein without drying them.

Allowable Subject Matter

Claims 62 and 65 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 19-22, 24, 26, 28, 29, 42, 43, 49, 50, 69, 70, and 72 are allowed.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph M. Pelham whose telephone number is 571-272-4786. The examiner can normally be reached on M-F 8:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10/11/06

PRIMARY EXAMINER